

AMENDED IN SENATE JUNE 13, 2006

AMENDED IN ASSEMBLY MAY 27, 2005

AMENDED IN ASSEMBLY MAY 3, 2005

AMENDED IN ASSEMBLY APRIL 21, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1699

Introduced by Assembly Member Frommer

February 22, 2005

~~An act to add and repeal Article 6.9 (commencing with Section 20209.20) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to transportation. An act to add Chapter 12.5 (commencing with Section 2539) to Division 3 of the Streets and Highways Code, relating to railroads.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1699, as amended, Frommer. ~~Transportation: highway construction contracts: design-build projects. Commuter trains: operation.~~

(1) Existing law provides for federal regulation of safety and equipment matters relative to rail passenger and freight service, and provides for federal and state funding of various rail passenger services throughout the state. Existing law sets forth responsibilities of the Public Utilities Commission relative to railroad safety.

This bill would require a transportation agency operating commuter rail service, as defined, or contracting for the operation of commuter rail service, to prohibit passengers from riding in the forward 10 rows of seats of any level of a cab car on a commuter train operating in

push configuration. The bill would also, commencing January 1, 2010, prohibit these transportation agencies from operating, or contracting with a commuter rail service that operates, a commuter train in push configuration. Because the bill imposes new requirements on local agencies, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(1) Existing law sets forth requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law also authorizes specified state agencies, cities, and counties to implement alternative procedures for the awarding of contracts on a design-build basis.~~

~~This bill would authorize, until January 1, 2015, transportation agencies administering local voter-approved transportation sales tax measures to use a specified design-build process for bidding on a maximum of 8 state highway construction projects with a total cost of \$10,000,000 or more, as specified, with the projects to be selected by the California Transportation Commission.~~

~~The bill would require design-build entity bidders to provide certain information in a questionnaire submitted to the transportation agency that is verified under oath. Because a verification under oath is made under penalty of perjury, the bill would create a new crime and impose a state-mandated local program. After a contract is awarded, the bill would require the transportation agency to report to specified committees of the Legislature regarding implementation of the design-build process.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 12.5 (commencing with Section 2539)
2 is added to Division 3 of the Streets and Highways Code, to read:

3
4 CHAPTER 12.5. COMMUTER TRAIN OPERATIONS
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6 2539. (a) A transportation agency operating commuter rail
7 service or contracting for the operation of commuter rail service
8 shall prohibit passengers from riding in the forward 10 rows of
9 seats of any level of the cab car when the commuter train is
10 operating in push configuration. Commencing January 1, 2010,
11 a transportation agency operating commuter rail service or
12 contracting for the operation of commuter rail service shall not
13 operate, or contract with a commuter rail service that operates,
14 a commuter train in push configuration.

15 (b) As used in this chapter, the following terms shall have the
16 following meanings:

17 (1) "Commuter rail service" means rail passenger service
18 operating on a railroad that is subject to regulation by the
19 Federal Railroad Administration, but excludes intercity rail
20 passenger service, as that term is defined in subdivision (h) of
21 Section 99602 of the Public Utilities Code.

22 (2) "Cab car" means a passenger railroad car with operating
23 controls that operates at the front of the train in lieu of the
24 locomotive when the train is operating in push configuration.

25 (3) "Push configuration" means a train operating with a cab
26 car at the front of the train and the locomotive at the rear of the
27 train.

28 SEC. 2. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Assembly, May 27, 2005 (JR11)**

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